

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: McKenzie Dean	Team: Squad #16	CCRB Case #: 202107381	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 12/04/2021 1:30 AM, Monday, 08/08/2022 10:21 AM, Wednesday, 08/10/2022 10:31 AM	Location of Incident: Bond Street and Douglass Street; CCRB's office	Precinct: 76	18 Mo. SOL 6/4/2023	EO SOL 6/4/2023	
Date/Time CV Reported Sat, 12/04/2021 2:41 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 12/04/2021 2:41 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Marcus James	24582	968511	076 PCT
2. PO Vegnel Jovin	02695	960737	076 PCT
3. SGT Reginald Garner	04179	951761	076 PCT
4. PO Jamal Jamison	28896	960724	076 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Marcus James	Abuse: On December 4, 2021, at Bond Street and Douglass Street in Brooklyn, Police Officer Marcus James refused to provide his shield number to § 87(2)(b) § 87(2)(b)	
B. PO Vegnel Jovin	Abuse: On December 4, 2021, at Bond Street and Douglass Street in Brooklyn, Police Officer Vegnel Jovin refused to provide his shield number to § 87(2)(b) § 87(2)(b)	
C. SGT Reginald Garner	Abuse: On December 4, 2021, at Bond Street and Douglass Street in Brooklyn, Sergeant Reginald Garner refused to provide his shield number to § 87(2)(b) § 87(2)(b)	
D. PO Jamal Jamison	Abuse: On December 4, 2021, at Bond Street and Douglass Street in Brooklyn, Police Officer Jamal Jamison refused to provide his shield number to § 87(2)(b) § 87(2)(b)	
E. PO Marcus James	Untruthful Stmt.: On August 8, 2022, at the CCRB's office, Police Officer Marcus James provided a false official statement to the CCRB.	
F. PO Vegnel Jovin	Untruthful Stmt.: On August 10, 2022, at the CCRB's office, Police Officer Vegnel Jovin provided a false official statement to the CCRB.	

Case Summary

On December 4th, 2021, § 87(2)(b) filed this complaint with the CCRB online.

On December 4th, 2021, at approximately 1:30 AM, § 87(2)(b) approached PO Marcus James and PO Vegnel Jovin, of the 76th Precinct, who were sitting in a marked police vehicle on the corner of Bond Street and Douglass Street in Brooklyn. § 87(2)(b) requested shield numbers from the officers several times and they did not provide them (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). PO Jamal Jamison and Sgt. Reginald Garner, also of the 76th Precinct, arrived in an unmarked vehicle and § 87(2)(b) requested their shield numbers, which they also allegedly did not provide (**Allegations C and D: Abuse of Authority, § 87(2)(g)**).

On August 8, 2022, PO James provided false official statements to the CCRB (**Allegation E, § 87(2)(g)**). On August 10, 2022, PO Jovin provided false official statements to the CCRB (**Allegation F: Untruthful Statement, § 87(2)(g)**). No civilians were arrested or summonsed during the incident.

§ 87(2)(g) provided a cell phone video of the incident (**BR 01**).

Findings and Recommendations

Allegation (A) Abuse of Authority: On December 4, 2021, at Bond Street and Douglass Street in Brooklyn, Police Officer Marcus James refused to provide his shield number to § 87(2)(b).

Allegation (B) Abuse of Authority: On December 4, 2021, at Bond Street and Douglass Street in Brooklyn, Police Officer Vegnel Jovin refused to provide his shield number to § 87(2)(b).

Allegation (C) Abuse of Authority: On December 4, 2021, at Bond Street and Douglass Street in Brooklyn, Sergeant Reginald Garner refused to provide his shield number to § 87(2)(b).

Allegation (D) Abuse of Authority: On December 4, 2021, at Bond Street and Douglass Street in Brooklyn, Police Officer Jamal Jamison refused to provide his shield number to § 87(2)(b).

It is undisputed that while walking his dog, § 87(2)(b) approached PO James and PO Jovin while they were sitting in a marked vehicle with the windows rolled up outside of the Gowanus NYCHA housing complex. § 87(2)(b) approached the vehicle and filmed the officers with his cell phone for approximately 30 minutes. The officers and § 87(2)(b) did not interact with each other as § 87(2)(b) did this. § 87(2)(b) approached the passenger side of the officers' vehicle, knocked on the window, and mentioned reporting them to the CCRB. PO Jamison pulled up in an unmarked vehicle with Sgt. Garner in the passenger seat and all the officers left the scene in their vehicles.

§ 87(2)(b) (**BR 02**) stated that while standing outside the passenger side window of PO James' and PO Jovin's vehicle, he loudly requested their shield numbers, and they did not respond to him. § 87(2)(b) asked the officers for their shield numbers several more times in close succession as he gently knocked on the window. § 87(2)(b) looked through the passenger window at PO James' shield, but he was only able to make out the first three digits of his shield number, which § 87(2)(b) read out loud. § 87(2)(b) asked the officers for their shield numbers five or six times in total, and they did not respond to any of his requests. When PO Jamison and Sgt. Garner arrived, the front passenger window of their vehicle was down. § 87(2)(b) walked toward PO Jamison's and Sgt. Garner's vehicle and asked them for their shield numbers at least one time while he was six feet away from them before all the officers left the scene.

At 30:00 into the video (**BR 01**) taken by § 87(2)(b) during the incident, he approaches the officers' vehicle on the front passenger side and asks the officers for their shield numbers, which is the first time he approaches the vehicle and interacts with the officers in the video. The passenger window is closed. § 87(2)(b) tells the officers they do not need to give them to him because he can figure it out from the CCRB. At 30:35, § 87(2)(b) says, "Badge numbers. One last time otherwise I guess we'll talk via CCRB." § 87(2)(b) asks the officers if they can hear him and knocks on the window. At 31:00, § 87(2)(b) says, "2-4-5" and PO Jovin cuts him off by asking him to step away from the car over the PA system. § 87(2)(b) asks twice, "Can I have your badge number, officer?" At 31:12, an unmarked vehicle pulls up next to the marked vehicle. § 87(2)(b) walks toward it and asks, "Can I have your badge number please?" Sgt. Garner says, "What is wrong with him?" The unmarked vehicle drives away. At 31:30, the marked vehicle drives away. None of the officers provide their shield numbers at any point during the footage.

PO James (**BR 03**) and PO Jovin (**BR 04**) both stated that when § 87(2)(b) started banging on their window, he said he was going to report the officers to the CCRB. The officers did not know why § 87(2)(b) was threatening to report them to the CCRB and they could not hear anything else that he said during the incident. Sgt. Garner (**BR 05**) stated that when he and PO Jamison arrived, § 87(2)(b) appeared to be talking to the officers in both vehicles, but he did not recall anything that § 87(2)(b) was saying. PO Jamison (**BR 06**) stated that he heard § 87(2)(b) yelling and making noise when the officers arrived, but he did not hear any statements that he made during the incident.

PO Jovin did not know if § 87(2)(b) requested his shield number, and he did not recall § 87(2)(b) requesting any other officers' shield numbers. PO James did not recall if § 87(2)(b) requested any officers' shield numbers, including his own. Sgt. Garner and PO Jamison both denied hearing or witnessing § 87(2)(b) request shield numbers from any officers during the incident. PO James did not recall if any officers provided their shield numbers to § 87(2)(b) and PO Jovin stated that he and PO James did not do this. PO James and PO Jovin both stated that they left the scene to deescalate the situation. Sgt. Garner and PO Jamison both stated that Sgt. Garner told the officers to leave the scene. Sgt. Garner said that he told the officers to do this because he did not feel safe and he did not want the situation to escalate.

Upon viewing 29:58 to 30:20 of the video taken by § 87(2)(b) during the incident (**BR 01**), PO James acknowledged hearing § 87(2)(b) request the officers' shield numbers; however, he stated that he did not hear this request during the incident. PO James did not recall at what point during the encounter he heard § 87(2)(b) mention the CCRB and he did not know if he heard § 87(2)(b) mention the CCRB at the moment depicted in the footage. Upon viewing 30:20 to 30:44 and 30:44 to 31:23 of the video, PO James acknowledged hearing § 87(2)(b) request the officers' shield numbers in the video and stated that he did not hear § 87(2)(b) make these requests during the incident.

Upon viewing 30:00 to 30:21 of the footage, PO Jovin acknowledged hearing § 87(2)(b) request shield numbers in the video. PO Jovin stated he did not hear this request during the incident. PO Jovin did not know if this was the moment he heard § 87(2)(b) mention the CCRB, but stated it was possible that it was. PO Jovin did not know at which point specifically in the incident he heard § 87(2)(b) mention the CCRB and he did not recall hearing § 87(2)(b) mention the CCRB more than one time. Upon viewing 30:21 to 30:43, 31:08 to 31:13, and 30:13 to 31:28 of the video, PO Jovin stated that he did not hear § 87(2)(b) make these requests for shield numbers during the incident. Upon viewing 31:15 to 31:29 of the video, Sgt. Garner and PO Jamison both acknowledged hearing § 87(2)(b) request shield numbers in the video, however, they denied hearing this request during the incident.

PO James, PO Jovin, and Sgt. Garner all stated that they did not provide their shield numbers to § 87(2)(b) because they did not hear him request this information.

Administrative Guide 304-11 (BR 07) states that officers must courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests them to do so.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (E) Untruthful Statement: On August 8, 2022, at the CCRB's office, Police Officer Marcus James provided a false official statement to the CCRB.

Allegation (F) Untruthful Statement: On August 10, 2022, at the CCRB's office, Police Officer Vegnel Jovin provided a false official statement to the CCRB.

PO Jovin and PO James both stated that they did not hear § 87(2)(b) request their shield numbers during the incident. However, a cell phone video (**BR 01**) taken by § 87(2)(b) during the incident depicts him requesting this information from them multiple times. Although PO Jovin and PO James claimed that they did not hear these requests, they both testified that they heard § 87(2)(b) mention reporting them to the CCRB during the incident.

At 30:00 into the video (**BR 01**) taken by § 87(2)(b) during the incident, he approaches PO Jovin's and PO James' vehicle on the front passenger side and asks them for their shield numbers. § 87(2)(b) tells the officers they do not need to give them to him because he can figure it out from CCRB. At 30:35, § 87(2)(b) says, "Badge numbers. One last time otherwise I guess we'll talk via CCRB." The passenger-side window of the officers' vehicle is rolled up during § 87(2)(b) entire encounter with them.

As per Administrative Guide Procedure 304-10 (BR 08), a false official statement is an intentional statement that a member of service knows to be untrue, which is material to the outcome of an investigation, proceeding, or other matter in connection with which a statement is made. Officers are prohibited from making a false official statement.

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to six CCRB complaints and has been named as a victim in eight allegations (**BR 09**).
 - § 87(2)(b)
- PO James has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Jovin has been a member-of-service for seven years and has been a subject in two CCRB complaints and three allegations.
 - 202105918 involved a substantiated allegation of refusal to provide name, for which the Board recommended Command Discipline and the NYPD has yet to impose discipline. § 87(2)(g) PO Jovin stated in his CCRB interview that he did not provide his name because he did not hear the civilian ask for his name despite BWC capturing the civilian doing so.
- Sgt. Garner has been a member-of-service for 11 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- PO Jamison has been a member-of-service for seven years and has been a subject in one CCRB complaint and four allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- On January 24th, 2023, a Notice of Claim search request was submitted to the New York City Office of the Comptroller, the results of which will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: _____ 16 _____

Investigator:	_____ Inv. Dean Signature	_____ Inv. Dean Print Title & Name	_____ 2/7/23 Date
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Squad Leader:	_____ Patrick Yu Signature	_____ IM Patrick Yu Print Title & Name	_____ 02/07/2023 Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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